

PROFESSIONAL LICENSURE DIVISION[645]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 147.76, the Board of Nursing Home Administrators hereby gives Notice of Intended Action to amend Chapter 141, “Licensure of Nursing Home Administrators,” and Chapter 144, “Discipline for Nursing Home Administrators,” Iowa Administrative Code.

These proposed amendments add a definition of a provisional license; clarify that the provisional license shall not count toward the experience required of a practicum preceptor; provide the circumstances under which a provisional license may be obtained; establish the time limits for serving as a provisional administrator; define the provisional license application requirements; and add “provisional license” to the definitions for discipline to be consistent with changes in Iowa Code chapter 155.

Any interested person may make written comments on the proposed amendments no later than April 9, 2013, addressed to Sharon Dozier, Professional Licensure Division, Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075; e-mail Sharon.Dozier@idph.iowa.gov.

A public hearing will be held on April 9, 2013, from 10 to 11 a.m. in the Fifth Floor Board Conference Room, Lucas State Office Building, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendments.

The proposed amendments are subject to the waiver provisions at 645—Chapter 18.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code chapters 21, 147, 155 and 272C.

The following amendments are proposed.

ITEM 1. Adopt the following new definition in rule **645—141.1(155)**:

“Provisional license” means a license issued to an administrator appointed on a temporary basis to perform the duties of a nursing home administrator.

ITEM 2. Amend subparagraph **141.5(1)“e”(2)** as follows:

(2) Shall have at least two years’ experience as a licensed nursing home administrator. Any experience as an administrator under a provisional license shall not count toward the required two years; and

ITEM 3. Rescind rule 645—141.6(155) and adopt the following new rule in lieu thereof:

645—141.6(155) Provisional license. Under certain limited circumstances, and only upon the filing of an application requesting approval, a provisional license may be issued to an administrator appointed on a temporary basis to perform the duties of a nursing home administrator. A provisional license is considered a temporary appointment, and the person appointed may serve as an administrator for a period of time not to exceed 12 months in an entire career. The 12 months in service are not required to be consecutive; however, a new application is required for each appointment period. It is the responsibility of the approved provisional administrator to maintain documentation of the actual dates the administrator serves in that capacity.

141.6(1) The limited circumstances under which the request for a provisional appointment shall be granted include the inability of the licensed administrator to perform the administrator’s duties, the death

of the licensed administrator, or circumstances which prevent the immediate transfer of the licensed administrator's duties to another licensed administrator. A provisional license shall not be issued to a licensed nursing home administrator.

141.6(2) Application for a provisional license shall be in writing on forms prescribed by the board. Application forms may be obtained from the board's Web site (<http://www.idph.state.ia.us/licensure>) or directly from the board office. All applications shall be sent to the Board of Nursing Home Administrators, Professional Licensure Division, Fifth Floor, Lucas State Office Building, Des Moines, Iowa 50319-0075. Applicants shall meet the following minimum qualifications:

- a. Be at least 18 years of age.
- b. Be employed on a full-time basis of no less than 40 hours per week to perform the duties of the nursing home administrator.
- c. Be knowledgeable about the nursing home administrator's domains of practice including resident care; human resources; finance; physical environment; and leadership and management.
- d. Be without a history of unprofessional conduct or denial of or disciplinary action against a license to practice nursing home administration or any other profession by any lawful licensing authority for reasons outlined in 645—Chapter 144.
- e. Provide evidence to establish that the provisional appointment will not exceed the lifetime maximum period of 12 calendar months in duration. For any period in which the applicant previously served as a provisional administrator, written employment verification or a written attestation of the facility owner, chief operating officer, or board officer shall satisfy this requirement.
- f. Provide evidence that the provisional appointment complies with the requirements in 481—subrule 58.8(4). A written attestation of the facility owner, chief operating officer, or board officer shall satisfy this requirement.

141.6(3) Applications for an extension of the time period for the provisional appointment within the same facility do not require the payment of an additional fee, as long as all other requirements stated in this rule are met.

141.6(4) The board expressly reserves the right to withdraw approval of a provisional appointment. Withdrawal of approval shall be based on information or circumstances warranting such action. The provisional administrator shall be notified of the withdrawal of approval in writing by certified mail.

ITEM 4. Adopt the following **new** definition in rule **645—144.1(155)**:

“Provisional license” means a license issued to an administrator appointed on a temporary basis to perform the duties of a nursing home administrator.